IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 4557 of 2007(P)

PETITIONER:

PRADEEP G.,
CHIRATHALKALVEEDU, PARASUVAKKAL P.O.,
PARASSALA, THIRUVANANTHAPURAM DIST.

BY ADV. SRI.SUMAN CHAKRAVARTHY

RESPONDENTS:

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1. THE STATE OF KERALA,
REP.BY ITS CHIEF SECRETARY, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

3. THE ASST.EXCISE COMMISSIONER,
THIRUVANANTHAPURAM.

4. THE DIRECTOR GENERAL OF POLICE,
KERALA, POLICE HQ, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.S.U.NAZER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J

W.P(C).No.4557 of 2007

Dated this the 5th day of March, 2007

JUDGMENT

Petitioner is the accused in two crimes registered as O.R.Nos.3 of 2007and 5 of 2007, both at the Amaravila Excise Range. Those crimes are now being investigated by the Circle Inspector of Police, Neyyattinkara and Inspector of Excise, Amaravila respectively. O.R.No.3 of 2007 is now being investigated by the superior official - Circle Inspector of Neyyattinkara on the direction of the Assistant Excise Commissioner, Trivandrum. The grievance of the petitioner is that no proper investigation is being conducted into these crimes. The petitioner is a person acting against the illegal activities of liquor offenders. He had furnished information on many occasions to the authorities, on the basis of which crimes have been registered. He has been cited as witness in many of those crimes. The opponents of the petitioner have been attempting to falsely implicate the petitioner in some crimes. Accordingly false allegations have been raised against him and he has been arrayed as the accused in O.R.Nos.3 of 2007 and 5 of 2007. It is prayed that, in these circumstances, investigation may be directed to be conducted by a different agency other than the officials of the Excise Department.

2. Notice was given to the learned Government Pleader. A statement has been filed by the Excise Inspector, Amaravila Range. It is submitted that the petitioner, who is the accused in both the crimes, is only attempting to avoid a proper investigation into the crime, in which he is arrayed as the accused. In these circumstances, this petition may be dismissed, it is prayed.

3. I have been taken through the relevant averments. I am satisfied that the interests of justice shall be served eminently by directing the 2nd respondent Commissioner of Excise, Trivandrum to personally supervise and monitor the investigation into these two crimes and issue appropriate further directions, if any necessary, if such investigation is found to be inadequate or biased.

4. With the above directions, this Writ Petition is, allowed in part. The learned Government Pleader shall communicate these directions to the 2nd respondent.

(R.BASANT, JUDGE)

rtr/-